THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.1240 of 2006

Dated: 27-01-2006

Gadham Sarojini.

..... PETITIONER

AND

The Mandal Revenue Officer, Bandlaguda Mandal, Hyderabad,

and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.1240 of 2006

ORDER:

The petitioner claims that she purchased premises bearing municipal No.18-3-463/63 admeasuring 192 sq. yards situated at Chowni Gulam Murtuza Village, Kandikal Mandal in Hyderabad under a registered agreement of sale-cum-G.P.A. dated 09-07-2001. She also claims that she purchased premises Nos.18-3-463/64, 18-3-463/65, 18-3-463/66 from one Dr. Chandra Mohan. It appears there was a dispute between the petitioner's vendor and one Jairaj D Bhale Rao. The latter filed a suit being O.S.No.394 of 1999 for perpetual injunction and the same was dismissed by the Court of VII Senior Civil Judge, City Civil Court, Hyderabad. The appeal filed by Bhale Rao on the file of XIV Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad, was however allowed restraining the petitioner's vendor from interfering with the possession of the suit schedule property. However, the Appellate Court observed that the third parties who are in possession of the

portion of the schedule property cannot be evicted unless a proper suit is filed for recovery of possession.

Be that as it is, the second respondent namely the S.H.O. P.S. Chatrinaka, Hyderabad, appears to have made a complaint to the Mandal Revenue Officer that the petitioner encroached upon the land. It is further alleged that four days prior to filing of the writ petition, the respondents came to the site, threatened to dispossess the petitioner while directing her to vacate the premises. Hence, the present writ petition is filed seeking a declaration that the action of the respondents in interfering with the petitioner's possession is illegal and arbitrary.

Learned counsel for the petitioner has taken this Court through the judgment of the Court of XIV Additional Chief Judge, City Civil Court, Hyderabad, in A.S.No.557 of 2003 dated 18-07-2005 and submits that the petitioner, being one of the third parties referred to in the said judgment, is entitled to protect her possession and Bhale Rao or the respondents herein cannot forcibly evict her without due process of law.

Per contra, learned Assistant Government Pleader, after obtaining instructions, submits that a similar writ petition being W.P.No.2860 of 2003 filed by the petitioner's son was dismissed by this Court on
24-03-2003 and that on a requisition given by the second respondent on 11-11-2005, the Mandal Revenue Officer furnished the ownership particulars of the land in Survey No.225. He also submits that the Mandal Revenue Officer only has shown the boundaries and no one from the office of the first respondent threatened the petitioner with dispossession.

A copy of the order of this Court dated 24-03-2003 in W.P.No.2860 of 2003 is placed before this Court. The son of the petitioner, Gadham Sarojini - this is not denied by the counsel for the petitioner; is petitioner No.7 therein. They alleged that the Police Authorities are interfering with their possession even though civil suits are pending before the Courts. This Court, after noticing the counter-affidavit filed on behalf of the Police Officials, dismissed the writ petition.

This writ petition is present by Gadham Sarojini, who is mother of Gadham Mahender- petitioner No.7 in W.P.No.2860 of 2003, alleging that the respondents are interfering with the possession. As submitted by the learned Assistant Government Pleader, the second respondent requested the first respondent to furnish ownership particulars of the land in Survey No.225 and also to show the boundaries. The request was complied with and the learned Assistant Government Pleader submits that no one from the office of the first respondent interfered with the possession. The same is recorded.

The writ petition is filed on a factual foundation, which is not sound, therefore, the same is dismissed. No costs.

(**V.V.S.RAO, J**)

27th January 2006

ghn